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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MEMORANDUM ENDORSED

In re:

BERNARD L. MADOFF,

Debtor.

MAYFAIR VENTURES G.P., et al,

Defendants-Appellants,

1:22-CV-7711-GHW

v.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff-Appellee.

STIPULATION DISMISSING APPEAL AND WITHDRAWING MOTION TO DISMISS

Pursuant to Rule 41 of the Federal Rules of Civil Procedure and Rule 8023 of the Federal Rules of Bankruptcy Procedure, Appellants, Mayfair Ventures, G.P., Frank Avellino, Nancy Avellino, Dianne Bienes, Individually and as Personal Representative of the Estate of Michael Bienes, Grosvenor Partners Ltd., Aster Associates, St. James Associates, Rachel A. Rosenthal, Rachel Anne Rosenthal Trust U/A dated June 29, 1990, and Rachel Anne Rosenthal Trust Number 2 U/A dated June 24, 1992, and Appellee Irving H. Picard, Trustee ("Trustee") for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa et seq., and the chapter 7 estate of Bernard L. Madoff, by and through their undersigned counsel, file this Stipulation Dismissing Appeal, dismissing Appellants' appeal of the Order Granting Partial Summary Judgment in Favor

of the Trustee and Denying Defendants' Motion to Amend the Decision and Proposed Order entered by the Honorable Cecelia G. Morris of the United States Bankruptcy Court for the Southern District of New York in *Picard v. Avellino, et al*, Adv. Pro. No. 10-05421 on August 23, 2022, filed in this Court on September 9, 2022 (ECF No. 1) (the "Appeal").

Since the Appeal is being dismissed, the Trustee's motion to dismiss the Appeal (ECF No. 13) is withdrawn as moot.

The parties each bear their own costs and fees.

Dated: October 19, 2022



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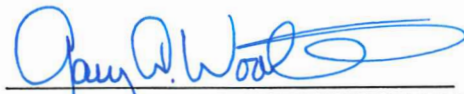
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Liquidation of Bernard L. Madoff
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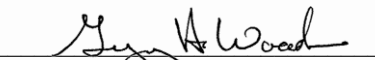
Attorneys for Frank Avellino, et al

The parties have stipulated to the dismissal of this action under F.R.C.P. 41(a)(1)(A)(ii) and Rule 8023 of the Federal Rules of Bankruptcy Procedure.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 13 and to close this case.

SO ORDERED.

Dated: October 19, 2022
New York, New York


GREGORY H. WOODS
United States District Judge